



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/075,375	05/07/1998	HARRY Y. YAMAMOTO	CGNE119-2US	3584

27161 7590 12/22/2003

MONSANTO COMPANY
800 N. LINDBERGH BLVD.
ATTENTION: G.P. WUELLNER, IP PARALEGAL, (E2NA)
ST. LOUIS, MO 63167

EXAMINER

KALLIS, RUSSELL

ART UNIT	PAPER NUMBER
----------	--------------

1638

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

S.M.
UNITED STATES PATENT AND TRADEMARK OFFICES.M.
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION 09/075,375 CONTROL NO.	FILING DATE 05/07/1998	FIRST NAMED INVENTOR/ Yamamoto PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
--	---------------------------	--	---------------------

EXAMINER

Russell Kallis

ART UNIT	PAPER
1638	2003 12 15

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the one month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed whose telephone number is 703-305-5417

Russell Kallis

**ASHWIN D. MEHTA, PH.D.
PATENT EXAMINER**

Art Unit: 1638

The sequence identities of SEQ ID NO: 1, 2, and 3 recited in Claims 24 and 26 are DNA, protein, and DNA sequences respectively. This is inconsistent because Claims 24 and 26 are drawn to a DNA sequence encoding a plant violaxanthin de-epoxidase selected from a Group consisting of SEQ ID NO: 1, 2, and 3. Further, the lengths of the polynucleotides of SEQ ID NO: 1, 3, and 5 do not correlate with the lengths of their corresponding polypeptides of SEQ ID NO: 2, 4, and 6. Applicant is invited to inspect the Office Action mailed 7/30/2003 on pages 3 and 4; written description rejection under 35 U.S.C. 112 1st paragraph wherein the rejection states the discrepancy between the polynucleotide and polypeptide sequence identities.